

DECLARATION IN SUPPORT OF COMPLAINT FOR FORFEITURE

Under 28 U.S.C. § 1746, I, Stephen Fortunato, a Special Agent with the United States Federal Bureau of Investigation ("FBI"), make the following unsworn declaration, under penalty of perjury, in support of the complaint for forfeiture to which this declaration is attached:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with the FBI since March 2019, and am assigned to the Jackson Division, Gulfport Resident Agency (RA), Mississippi. My current duties include investigating organized narcotics traffickers, criminal enterprises, and various criminal activities. I have participated in numerous narcotics, violent crime, human trafficking, cybercrimes, and bank and wire fraud cases. Through my training, educations, and experience, I have become familiar with investigations involving schemes via the internet resulting in bank and wire fraud such as the case described herein.

2. The information contained in this declaration is based upon my personal knowledge and on information that I have obtained from other law enforcement officials. I have been personally involved in the investigation of this matter. This declaration is based upon my conversation with victims and sources and upon my examination of various transcripts, reports, and other records.

3. Because this declaration is being submitted for the limited purpose of establishing my reasonable belief that the United States will be able to meet its burden of proof that the Defendant Property is the proceeds of wire fraud, bank fraud, and conspiracy to commit wire fraud and/or bank fraud and/or involved in money laundering, I have not set forth every fact learned during the investigation, nor is this declaration intended to be a complete and detailed description of all events and conversations occurring during the course of the investigation.

EXHIBIT A

When the contents of documents and statements of others are reported herein, they are reported in substance and not verbatim, unless otherwise indicated.

4. I have a reasonable belief that the United States will be able to meet its burden of proof that the Defendant Property is derived from proceeds traceable to violations of a specified unlawful activity, specifically, violations of 18 U.S.C. §§ 1343 (wire fraud), 1344 (bank fraud), and/or 1349 (fraud conspiracy), and/or were involved in money laundering, in violation of 18 U.S.C. §§ 1956 and 1957. As such, the funds in the cashier's check are subject to seizure and forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A), (C), and (D).

5. I have a reasonable belief that the United States will be able to meet its burden of proof that the Defendant Property was obtained through online financial fraud schemes. More specifically, the funds contained in the cashier's check were derived from a Business Email Compromise ("BEC") Fraud Scheme, a sophisticated scam that targets businesses working with foreign suppliers and businesses that regularly perform wire transfer payments. Formerly known as "Man-in-the-Email" scams, these schemes compromise official business email accounts to conduct unauthorized fund transfers.

ITEMS TO BE FORFEITED TO THE UNITED STATES OF AMERICA

6. The Defendant Property sought for forfeiture consists of the following asset:

**\$18,500.00 in U.S. currency in the form of a Bank of America
Cashier's Check Number 0005587513 in the name of Becker
Marquerite, seized by the November 23, 2020, from Susan Becker**

FACTS ESTABLISHING PROBABLE CAUSE

7. Between June 15, 2020 and September 25, 2020, parties known and unknown to the United States conspired to receive a series of fraudulent business email compromise ("BEC") wire transfers involving multiple victims. The scheme targeted victims who were in the process

of financing home mortgages within the United States. Fraudulent emails, purportedly from the target's home mortgage lender, were sent to the victims in multiple states. The emails contained wiring instructions that requested the buyers to send closing payments to different bank accounts, resulting in more than \$860,000 being sent to banking institutions located in Southern Mississippi alone. Bank records list the account holder of the bank accounts receiving these fraudulent wire transfers as Susan Becker of D'Iberville, Mississippi.

8. One such victim, R.T. was scheduled to close on a real estate transaction on September 30, 2020 and was anticipating wiring instructions from his attorney. On September 25, 2020, R.T. received fraudulent wiring instructions which appeared to be from R.T.'s attorney. The fraudulent email instructed R.T. to send the funds via wire transfer to Susan Becker's Citizens Bank of Philadelphia account. As a result, R.T. wired approximately \$142,834.80 to Becker's account.

9. On the same day, "Rusten Mark" informed Becker via a Facebook message that R.T. had wired "\$142,000.00" to Becker's Citizens Bank of Philadelphia account. Rusten Mark instructed Becker to withdraw \$50,000.00 in cash from the account and mail \$18,500.00 via FedEx to an address in Chicago. Becker attempted to send the cash; however, FedEx does not allow cash to be mailed. Consequently, FedEx seized the \$18,500.00 while it was in transit and issued Becker the Bank of America Cashier's Check Number 0005587513 in return.

10. As part of the investigation involving Becker's criminal activities, law enforcement officers executed a search warrant at Becker's D'Iberville residence on November 23, 2020. During the search, agents discovered and seized Bank of America Cashier's Check Number 0005587513. On June 2, 2023, FedEx advised that the check is still valid and there are no pending actions claiming the check was lost or stolen.

11. On January 29, 2021, the United States filed a Verified Complaint for Civil Forfeiture *in Rem* [1] against the funds in Becker's account. *See United States v. \$142,869.20 in U.S. Currency*, 4:21-cv-306 (S.D. of Tex.). Because only \$86,671.93 remained in the account by the time it was frozen, the United States filed an Amended Complaint [2] against the remaining \$86,671.93.¹ On June 25, 2021, U.S. District Judge Keith P. Ellison entered a Default Judgment and Final Order of Forfeiture against the \$86,671.93. *See id.*, ECF No. 13. When the Southern District of Texas forfeits fraudulently obtained money, it allows victims to petition the United States' Department of Justice, Money Laundering and Asset Recovery Section for remission. That process is still pending for the \$86,671.93.


CONCLUSION

12. Based on these findings, I believe that probable cause existed to seize the funds in Bank of America Cashier's Check Number 0005587513 as representing proceeds earned from an online financial fraud scheme and/or its involvement in money laundering, and I believe that the government will be able to meet its burden of proof at trial. The facts set forth above also demonstrate that Bank of America Cashier's Check Number 0005587513 contains the proceeds of violations of 18 U.S.C. §§ 1343 (wire fraud), 1344 (bank fraud), and/or 1349 (fraud conspiracy), and/or were involved in money laundering, in violation of 18 U.S.C. §§ 1956 and

¹ The United States found that in addition to the \$50,000 cash withdrawal on September 25, 2020, three withdrawals were made from the account as "Retail Point of Sale Transactions" in the amounts of \$5,049.40, \$494.42, and \$536.34. Two amounts of \$84.77 and \$79.20 went to FedEx and \$19.50 was deducted for "Transaction Fees." All the transactions (except the \$50,000 cash withdrawal) occurred on September 26, 2020. These withdrawals, when added to the \$86,671.93 that remained in the account total \$142,935.56, or \$101.48 more than the \$142,834.80 that R.T. wired to Becker's account.

1957. As such, the funds in the cashier's check are subject to seizure and forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A), (C), and (D).

Dated, this the 12th day of June 2023,


Special Agent Stephen Fortunato
Federal Bureau of Investigation